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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,959

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EXAMINER

COHEN, LEE S

ART UNIT

PAPER NUMBER

3739

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,959	<b>Applicant(s)</b> TAKAHASHI ET AL.	
	<b>Examiner</b> Lee S. Cohen	<b>Art Unit</b> 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 – it is unclear which base material film is being referenced in line 3. Claim 12 is vague in that at least one soft member is already defined as being wider. Claims 12-15 - reference to the base material film lacks a clear antecedent as two such films have been previously set forth.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kornrumpf et al (6,415,169) in view of Chastain et al (D501,558). Applicant's attention is directed Figures 1-9 of Kornrumpf et al and the detailed description thereof. Figures 7-9 clearly show the details of the split induction part. Details of the various layers of the wiring are disclosed at column 2, line 44 – column 3, line 35. The layers include soft members 24 and 30 that comprise foam or cloth and a base material film comprising a polymer. Such soft members are deemed to be inherently softer than the film. The reference fails to disclose the particular design and range of the material films

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as well as the width feature. Chastin et al disclose the particular design and range for the base material films to have been a well known design expedient (Figures 1-3). Given this teaching, it would have been obvious to the skilled artisan to design Kornrumpf et al with this structure since a predictable result would ensue. Further, as noted in applicant's specification, the width can be the same or slightly larger for the soft members, there being no criticality to such a parameter. Accordingly, selection of the width to optimize performance would have also been an obvious design expedient to the skilled artisan since a predictable result would ensue.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Istvan et al (7,197,357) in view of Chastain et al (D501,558). Applicant's attention is directed Figures 2 and 3 and column 4, lines 9 -56 of Istvan et al. Perforations are detailed at column 4, line 55. Details of the various layers of the wiring are disclosed at column 3, lines 30-53. The layers include soft members 22 and 24 which can be Dupont Sontara and a base material film which can be Mylar, the former material being inherently softer than the latter. The reference fails to disclose the particular design and range of the material films as well as the width feature. Chastin et al disclose the particular design and range for the base material films to have been a well known design expedient (Figures 1-3). Given this teaching, it would have been obvious to the skilled artisan to design Istvan et al with this structure since a predictable result would ensue. Further, as noted in applicant's specification, the width can be the same or slightly larger for the soft members, there being no criticality to such a parameter. Accordingly, selection of the width to optimize performance would have also been an obvious design expedient to the skilled artisan since a predictable result would ensue.

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Claims 1-4, 6, 9, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kornrumpf et al (6,415,169) in view of Kroll et al (4,763,660) and Chastain et al (D501,558). Kornrumpf et al is detailed supra. Further, the circuit of Kornrumpf et al includes first and second substantially parallel segments having substantially the same shape and length. The segments have a temporary connection 37. Kornrumpf et al fail to clearly disclose the use of perforations connecting the segments. Applicant's attention is directed Figure 4 and column 4, line 48 – column 5, line 21 of Kroll et al. Perforations are detailed at column 4, line 65. Details of the various layers of the wiring are disclosed at column 5, line 22 – column 6, line 58. The layers include soft members 40 and 47.

Given the Kroll et al teaching, it would have been obvious to use perforations to connect the split induction parts in Kornrumpf et al to effect a more compact design feature since a predictable result would ensue. The use of Chastain et al applies as detailed supra. Particular dimensions and breaking strength is within the level of skill of the artisan to select to optimize performance of the apparatus. Further, as noted in applicant's specification, the width can be the same or slightly larger for the soft members, there being no criticality to such a parameter. Accordingly, selection of the width to optimize performance would have also been an obvious design expedient to the skilled artisan since a predictable result would ensue.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee S. Cohen whose telephone number is 571-272-4763. The examiner can normally be reached on Monday-Friday, 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lee S. Cohen  
Primary Examiner  
Art Unit 3739

/Lee S. Cohen/  
Primary Examiner, Art Unit 3739  
February 13, 2009